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**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.**

JUL 20 2013

The Indiana Rail Road Company -- Abandonment)
Exemption – Sullivan County, IN)
_____))
_____)

AB 295 (Sub-No. 8X)

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

This Combined Environmental and Historic Report ("Report") is keyed to the appropriate sections and sub-sections of the Code of Federal Regulations. The Environmental Report is keyed to the sub-sections of 49 CFR 1105.7 and the Historic Report is keyed to the sub-sections of 49 CFR 1105.8. For convenience, the regulatory requirement is stated in italics preceding each sub-section of the Report.

The proposed abandonment is of part of a branch line leading west from The Indiana Rail Road Company's ("INRD's") north-south line between Chicago, IL and Louisville, KY. INRD refers to the branch as the "Kindill Lead." The Kindill Lead departs from the north-south line at approximate milepost 204.3 and goes generally west from that point from Kindill Lead Milepost 0.00 to Kindill Lead Milepost 7.47. The proposed abandonment will commence at Kindill Lead Milepost 3.1 at County Road 1600 West, and proceed westerly to Kindill Lead Milepost 7.47 miles, a distance of 4.37 miles. The line to be abandoned lies in Sullivan County, IN and will be referred to in this Report as the "Line."

ENTERED
Office of Proceedings
JUL 20 2013

**ENVIRONMENTAL REPORT
(49 CFR 1105.7)**

Part of
Public Record

(a) Filing. An applicant for an action identified in § 1105.6 (a) or (b) must submit to the Board (with or prior to its application, petition or notice of exemption, except as provided in paragraph (b) for abandonments and discontinuances) an Environmental Report on the proposed action containing the information set forth in paragraph (e) of this section.

This is the Environmental Report referred to in 49 CFR 1105.7. It will be filed with the Board concurrently with the Notice of Exemption for abandonment of the Line.

(b) At least 20 days prior to the filing with the Board of a notice of exemption, petition for exemption, or an application for abandonment or discontinuance, the applicant must serve copies of the Environmental Report on:

- (1) the State Clearinghouse of each State involved (or other State equivalent agency if the State has no clearinghouse);*
- (2) the State Environmental Protection Agency of each State involved;*
- (3) the State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;*
- (4) the head of each county (or comparable political entity including any Indian reservation) through which the line goes;*
- (5) the appropriate regional offices of the Environmental Protection Agency;*
- (6) the U.S. Fish and Wildlife Service;*
- (7) the U.S. Army Corps of Engineers;*
- (8) the National Park Service;*
- (9) the U.S. Soil Conservation Service;*
- (10) the National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and*
- (11) any other agencies that have been consulted in preparing the report.*

For information regarding the names and addresses of the agencies to be contacted, interested parties may contact SEA at the address and telephone number indicated in § 1105.3.

Copies of this Report have been served on the listed entities at least 20 days prior to the date of filing with the Board.

(c) Certification. In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time period specified in paragraph (b) of this section

INRD certifies that it has sent copies of the Report to the agencies listed at least 20 days prior to filing with the Board.

and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

INRD certifies that it has consulted with all the agencies listed above in preparing this report. The agencies were notified by letter of the proposed abandonment at least 21 days prior to the finalization of this Report and its service on the above listed agencies and counties. INRD certifies that these are the appropriate agencies for consultation.

Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

INRD certifies that it has published in the Sullivan Daily Times, a newspaper of general circulation in Sullivan County, IN, a notice alerting the public to the proposed abandonment, to available reuse alternatives, and to how the public may participate in the STB proceeding. A copy of the advertisement which ran in the Sullivan Daily Times on March 1, 2010 together with an affidavit of publication is attached as Exhibit A.

(d) Documentation: Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

Copies of all responses from agencies consulted in preparing the Environmental Report are attached as Exhibit B.

No oral responses were received from any of the agencies contacted.

No reference materials were relied upon.

(e) Content: The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If a Historic Report is required under § 1105.8, the Environmental Report should also include the Historic Report required by that section.

(1) Proposed action and alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also, describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The Proposed Action

The proposed action is to abandon the Line. The Line lies between Kindill Lead Milepost 3.1 at County Road 1600 West and Kindill Lead Milepost 7.47. The Line is in Sullivan County, IN.

Commodities Transported

There is no traffic on the Line and has been none since 2004 when the Kindill (Minnehaha) Mine closed.

Planned Disposition of the Line

Once INRD has received an exemption to abandon the Line, it intends to remove any 132 lb. continuous welded rail and use it for general maintenance purposes throughout its system. The remainder of the rail will be sold “as is where is” for salvage. INRD does not plan to remove the bridges. Instead, bridges will be barricaded to prevent access. Removal of the rail, ties and OTM will be performed from the rail line itself to minimize disturbance of the roadbed and of the area adjacent to the right-of-way. INRD or its contractors will perform the work subject to the conditions recommended by the Fish and Wildlife Service in its letter of January 4, 2010, specifically:

1. Minimize tree clearing and avoid disturbance in wetlands and riparian areas. (Access to work areas will be from the rail line itself and should cause no disturbance of wetlands. INRD does not see any reason for tree clearing).
2. Avoid discharge of demolition debris, waste material, or other pollutants into streams or wetlands. (There will be little or no demolition debris, waste material, or other pollutants generated by removing the rail, ties and OTM from the Line and none will be discharged into streams or wetlands.)
3. If earthmoving is required, contain disturbed soil to prevent runoff to waterways or wetlands. (No earthmoving is contemplated. In the event any earthmoving becomes necessary to remove the rail, ties and OTM or recoverable ballast, the measures recommended by the Fish and Wildlife Service will be undertaken.)
4. If bridge removal is proposed, minimize disturbance of the stream channel and banks, and avoid work in Big Branch during the primary fish spawning season (April 1 – June 15). (INRD does not contemplate bridge removal. If removal of the bridge on the Line becomes necessary, INRD or its contractors will comply with the recommendation of the Fish and Wildlife Service.)

Changes in Current Operation or Maintenance Practices

INRD does not operate on or maintain the Line as there is no traffic on it and has not been any since 2004.

Suitability of the Line for Other Uses

INRD is currently investigating the quality of its title to the right-of-way and will decide how to dispose of it once it has concluded its investigation. The Line runs through a relatively flat countryside and may be suitable for use as a trail.

Alternatives to Abandonment

The only alternative to abandonment is to leave the Line in place and unused and with the salvageable rail, ties, OTM and ballast materials left unused.

Map

A map of the Line is attached as Exhibit C. We have also included a track chart for the Line which shows the location of the bridge on the Line which is 50 years old or older.

(2) Transportation system: Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on regional or local transportation systems and patterns. There is neither local traffic on the Line nor overhead traffic, and has been none since 2004.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Sullivan County does not have a comprehensive land use plan.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The Natural Resources Conservation Service has stated that the proposed abandonment of the Line will have no effect on any prime agricultural land. See Exhibit B, NRCS letter dated December 29, 2009.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

The Line does not lie in a designated coastal zone, and its abandonment will not affect land or water uses within a designated coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

The right-of-way may be suitable for alternative public use as an assembled corridor. INRD has not yet determined the condition of its title to the right-of-way under the Line.

(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed action will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will have a no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed abandonment will have no effect on overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

The proposed abandonment will cause no diversions from rail to motor carriage.

(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment,

quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed action will result in no increase in truck or rail traffic.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment,

then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase in rail traffic, rail yard activity, or truck traffic.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The action will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

None of the thresholds in sub-section 5(i) are exceeded.

(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no effect on public health and safety. There is no traffic on the Line and has not been since 2004.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

There are no on-line shippers and have been none since 2004. There is no overhead traffic on the Line.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

INRD is not aware of any hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

(8) Biological resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The abandonment of the Line will not adversely affect endangered or threatened species or areas designated as a critical habitat. The Fish and Wildlife Service has made recommendations to avoid adversely affecting the Indiana bat—specifically that INRD avoid tree clearing April 1 through September 30. Abandonment of the Line will not involve tree clearing. In the event tree clearing becomes necessary, INRD will not engage in that activity during the blackout periods recommended by the Fish and Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The Line to be abandoned does not cross any wildlife sanctuaries, refuges, national or state parks or forests and its abandonment will have no effect of any such areas

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed action will have no effect on water quality. Removal of rail, ties, and OTM will be done in a manner that does not affect water quality either by increasing runoff or contaminating it.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

Permits are not required under section 404 of the Clean Water Act and no designated wetlands or 100-year flood plains will be affected. The abandonment of the Line and the removal of the rail, ties, and OTM from the right-of-way will have no effect on adjacent property or wetlands. Any work will be done in a manner to avoid discharge from the right-of-way. INRD does not propose to remove the bridge on the Line.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Permits under section 402 of the Clean Water Act are not required. The abandonment of the Line and the removal of the rail, ties, and OTM will not result in any discharge into adjacent waters.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe that the proposed action will cause any adverse environmental impacts. Accordingly, no mitigation measures are required or proposed except that the removal of rail, ties, and OTM will be conducted in a manner that avoids disturbance of adjacent land, cutting of trees, or the change, increase or contamination of existing runoff flows.

(11) Additional Information for Rail Constructions. The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 1/2 minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

Not applicable.

HISTORIC REPORT REQUIRED BY 49 CFR 1105.8

The Board is referred to the information set forth in the Environmental Report above for the information required by § 1105.7(e)(1). The following additional historic information responds to the specific requirements of 49 CFR 1105.8(d).

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

The maps attached as Exhibit C show the location of the Line. The only structure on the Line is a bridge which is 50 years old or older and is designated Bridge 4.24 indicating that it is at Milepost 4.24 on the Kindill Lead. The bridge is marked on the track chart that forms part of Exhibit C. The bridge also appears on photograph nos. 7 and 8 that are part of Exhibit D. The bridge will not be removed. Suitable barricades will be put in place to prevent public access to the bridge. The bridge was built in 1956 and is about 50 feet high. The bridge deck was replaced in 1972 after a fire.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way for the most of the distance is 100 feet wide. It traverses a lightly wooded area which in the past has been extensively mined on each side of the right-of-way. The photographs in Exhibit D show the entirety of the Line through Milepost 6.79. Photograph 19 is illustrative of the condition of the right-of-way west of Milepost 6.79 where the track has been removed. The rail and ties were removed west of Milepost 6.79 before INRD purchased the Line in 2006, and from the extent of the vegetation on the right-of-way shown on photograph no. 19 in Exhibit D, it is obvious that the tracks were removed some considerable time before 2006.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Exhibit D is a set of color photographs of the entire Line. The one structure on the Line, a railroad bridge at Milepost 4.24, is shown in photograph nos. 7 & 8. The photographs adequately show the character of the surrounding area of the bridge.

In addition, the Line is easily viewed on Google Earth beginning at approximately 39° 08'00.38"N, 87°14'27.08"W (on the east end of the abandonment) and ending at approximately

39°07'41.47"N, 87°18'12.44"W (on the west end of the abandonment).¹

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

The bridge at Milepost 4.24 is the only structure on the Line. It was built in 1956 but the bridge deck was rebuilt in 1972 after a fire.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Milwaukee's Latta Branch originally ran from Latta, IN west to Sullivan, IN. INRD's research has shown that the Milwaukee Road brought two abandonment proceedings relating to the Latta Branch; one was Finance Docket 20741 filed July 27, 1959; and the second was Finance Docket 21648 filed June 19, 1961. Both filings are noted in the proceedings index card catalogue maintained in the STB Library. The ICC Reports show that Finance Docket 20741 was "dismissed or denied in whole or in part." 307 I.C.C. 815. The Commission's decision was not reported. INRD has found no record of the disposition of Finance Docket 21648, though according to the card index catalogue in the STB Library, that proceeding related to the western end of the Latta Branch, not the eastern end.

The STB Library records show that the files on both proceedings were sent to the National Archives and identified the location where those files were kept. INRD retrieved the boxes from National Archives II that were supposed to contain the relevant files and found that neither box contained the Finance Docket file it was supposed to contain, though each box contained Finance Docket files numbered on either side of the Finance Docket file in question.

¹ The latitude and longitude coordinates are given only to assist in reviewing the aerial photographs of the Line and the right-of-way. The formal beginning and end of the abandonment will be governed by the milepost designations.

Staff of National Archives II stated that it is likely both of the Finance Docket files were destroyed by the National Archives as having no historic value.

Until 1984 the Line was owned by the Milwaukee Road which went into bankruptcy reorganization in 1977. The remaining operating assets of the Milwaukee, including the Latta Branch, were sold to Soo Line Railroad in 1984 which in turn sold the Latta Branch to INRD as part of the sale of its Chicago to Louisville line in 2006. Under the circumstances, a search for fifty year old legal files of the Milwaukee Road to determine the present status of the Line did not appear likely to be fruitful. As the Line has been out of service since 2004, before removing the rail and ties INRD elected to ensure that the Line had been properly abandoned by filing a notice of exemption with respect to the portion of the Line where the status of the Line is most problematic.²

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

INRD has documents in its possession relating to the single structure on the line that is 50 years old or older, the bridge at Milepost 4.24.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

² West of Milepost 7.47 the track chart INRD obtained from Soo Line shows that the track was removed in December 1962. INRD assumes that before removing the track, Milwaukee Road obtained appropriate abandonment authority. East of Milepost 7.47 the track chart shows that the line was "converted to side track" in December 1962. For the line to have been properly converted to side track, it should have been abandoned. It is possible, however, that Milwaukee's local management may have noted the actual use of the Line east of Milepost 7.47 on the track chart although it had not been formally abandoned.

In INRD's opinion the single structure located on the Line does not meet the criteria for listing on the National Register of Historic Places. INRD is not aware of the likelihood of archeological resources or other previously unknown historic properties along the Line. INRD's plans to abandon the Line and to remove rail, ties, and OTM will not disturb any structure on the Line that is 50 years old or older nor will it disturb any archeological resources or other historic properties along the Line.


(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

INRD is not aware of any subsurface ground disturbance or fill, or any environmental conditions along the Line, naturally occurring or manmade, that might affect the archeological recovery of resources. On either side of the right-of-way, albeit some distance away, there has been extensive coal mining in that part of Indiana.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

Respectfully submitted,

THE INDIANA RAIL ROAD COMPANY

By: 
One of its attorneys

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E-mail Jbroadley@alum.mit.edu

Dated: May 25, 2010

Exhibit A

**Notice of Intent to Abandon
Rail Service**

The Indiana Rail-Road Company gives notice that on or about March 10, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of a 4.37 mile line of railroad between railroad Kindil Lead milepost 3.1 at County Road 1800 West on the border between Greene and Sullivan Counties, IN, and railroad Kindil Lead milepost 7.47 near County Road 525 East which traverses through United States Postal Service ZIP Codes 47438 and 47882 in Sullivan County, IN. The proceeding will be docketed as No. AB 295 (Sub-No. 8X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, or by calling that office at 202-245-0304.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative, John Broadley, John H. Broadley & Associates, P.C., 1054 31st Street NW, Suite 200, Washington, D.C. 20007 [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0236. Copies of any comments or requests for conditions should be served on the applicant's representative: John Broadley, John H. Broadley & Associates, P.C., 1054 31st Street NW, Suite 200, Washington, D.C. 20007, Telephone 202-333-6026.

County, Indiana

Title Castle Manor

LEGAL ADVERTISING

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF
Sullivan Daily Times
35-108679
\$ 33.85

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined this within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently ☐ correct ☐ incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

Exhibit B



United States Department of the Interior

Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

January 4, 2010

Mr. John Broadley
John H. Broadley and Associates
Canal Square
1054 31st Street NW
Washington, D.C. 20007

Dear Mr. Broadley:

This responds to your letter of December 16, 2009 requesting U.S. Fish and Wildlife Service (FWS) review of a proposed railroad abandonment exemption in Greene and Sullivan Counties, Indiana. Please note that, to ensure a timely response on technical assistance from the FWS for projects in Indiana, a copy of your letter should be sent directly to this office. The copy you sent to our regional office in Minneapolis was forwarded to us.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

According to your letter the proposed abandonment concerns a 5.31 mile segment of the Indiana Railroad Company's Latta Branch line. The affected segment runs between County Line Road near the town of Gilmour and Sullivan County Road 525 East.

The route of the proposed abandonment crosses Big Branch and several unnamed headwater streams, and passes through extensive tracts of forested wetlands. We recommend the following measures to minimize adverse impacts on fish and wildlife resources:

1. Minimize tree clearing and avoid disturbance in wetlands and riparian areas.
2. Avoid discharge of demolition debris, waste material, or other pollutants into streams or wetlands.
3. If earthmoving is required, contain disturbed soils to prevent runoff to waterways or wetlands.

4. If bridge or culvert removal is proposed, minimize disturbance of the stream channel and banks, and avoid work in Big Branch during the primary fish spawning season (April 1 - June 15).

Work within streams or wetlands may require permits from the US Army Corps of Engineers, the Indiana Department of Environmental Management and/or the Indiana Department of Natural Resources.

Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*). The project will not eliminate enough habitat to affect this species, but to avoid incidental take from removal of an occupied roost tree we recommend that tree-clearing be avoided during the period April 1 - September 30. If this measure is implemented we concur that the proposed project is not likely to adversely affect this listed species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

For further discussion, please contact Mike Litwin at (812) 334-4261 ext. 205.

Sincerely yours,



Scott E. Pruitt
Field Supervisor

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46268

December 29, 2009

John H. Broadley
John H. Broadley & Associates, P.C.
Canal Square
1054 Thirty-First Street, N.W.
Washington, D.C. 20007

Dear Mr. Broadley:

The proposed project to abandon approximately 7.47 miles of railroad known as the Latta Branch in Greene and Sullivan County, Indiana, as referred to in your letter received December 21, 2009, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

A handwritten signature in black ink that reads "Jane E. Hardisty".

JANE E. HARDISTY
State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739



January 19, 2010

John Bradley
Law Office of John Bradley and Associates
Canal Square
1054 Thirty-First Street
Washington D.C. 20007

Federal Agency: Surface Transportation Board

Re: Project information regarding the abandonment of 5.31 miles of railroad from milepost 2.16 to milepost 7.47 (DHPA #8392)

Dear Mr. Bradley:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated December 16, 2009 and received on December 21, 2009, for the above indicated project near Jasonville, Sullivan and Greene counties, Indiana.

It is our understanding that an environmental and historic report will be submitted to our office for review. Please include the following items in the above report:

- 1) Define the area of potential effects¹ and provide a map or a good quality photocopy of a map containing the following:
 - The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.
 - The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 2) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).
- 3) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects*.
- 4) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects*.
- 5) List all sources checked for your historical research of the *area of potential effects*. The Indiana SHPO recommends consulting the 1999 Greene County and the 2001 Sullivan County Interim Reports for this information.

¹ Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R. § 800.16(d)).

- 6) Provide clear, recent photographs or good quality computer-generated images (not photocopies or aerial photographs), keyed to a site plan, showing any buildings, structures, objects, or land *that could be affected in any way by the project*. These photographs should be of the project area and the defined area of potential effect.
- 7) Describe the current and past land uses within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicate the part or parts of the project area that have been disturbed and the nature of the disturbance; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Miriam Widenhofer at (317) 233-3883 or mwidenhofer@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #8392.

Very truly yours,

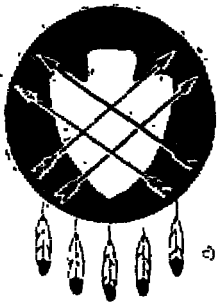


James A. Glass, Ph.D.

Deputy State Historic Preservation Officer

JAG:CDW:MLW:mlw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P.O. Box 1527

MIAMI, OKLAHOMA 74355

CHIEF

John P. Froman

SECOND CHIEF

Jason Dollahide

January 15, 2010

Law Offices

John H Broadley & Associates, P.C.

Canal Square

1054 Thirty-First Street, NW

Washington, D.C. 20007

RE: The Indiana Rail Road Company's proposed abandonment of part of its line of Railroad known as the "Latta Branch" or the "Kindall Lead" in Greene and Sullivan Counties, IN

Thank you for notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

TREASURER
John Sharp

SECRETARY
Hank Downum

FIRST COUNCILMAN
Carolyn Garron

SECOND COUNCILMAN
Jenny Rampey

THIRD COUNCILMAN
Alan Goforth

John Broadley

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Thursday, December 17, 2009 2:11 PM
To: John Broadley
Cc: Surface Transportation Board; Surveyorlady@yahoo.com; Gilbert Mitchell; Simon Monroe
Subject: [NGS Response, STB Docket AB-295 (SUB NO. 08X)]

Thank you for sharing your railroad abandonment environmental report for
 Gilmour, Greene, & Sullivan Counties, INDIANA.

Approximately 00 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
 consult with the National Geodetic Survey (NGS) at least 90 days prior to
 beginning salvage activities that will disturb, or destroy any geodetic station
 marks are described on the attached file. Additional advice is provided at
<http://geodesy.noaa.gov/marks/railroads/>

Dist	PID...	H				
Dist	V	Vert_Source	Latitude.....	Longitude.....	Stab	Designation
----	-----	-				
----	-----	-	-----	-----	-----	-----

No Stations Found.



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

FWS/NWRS-RE - General
Railroad Abandonments

December 22, 2009

Mr. John H. Broadley
John H. Broadley and Associates, P.C.
Canal Square
1054 Thirty-first Street N.W.
Washington, D.C. 20007

Dear Mr. Broadley:

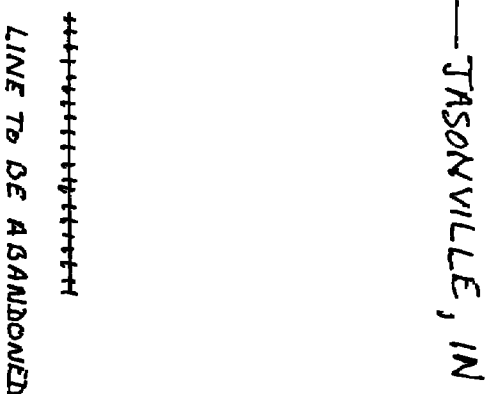
Thank you for the opportunity to comment on the proposed abandonment of service on 5.31 miles of railroad line between Latta Branch Milepost 2.16 and Latta Branch Milepost 7.47 in Greene and Sullivan Counties, Indiana (STB Docket No. unknown).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

for Patrick G. Carroll
Senior Realty Officer
Division of Realty

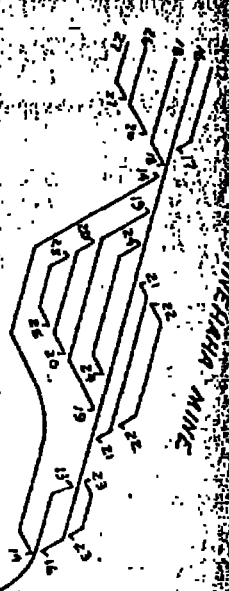
Exhibit C



SEC. No. 4608

LATTA

MINERALS MINE



BRANCH



APPROXIMATE LIMITS OF ABANDONMENT.

OLD

45

37

To Terra Haute

To Seymour

OVERVIEW

E ←

→ S

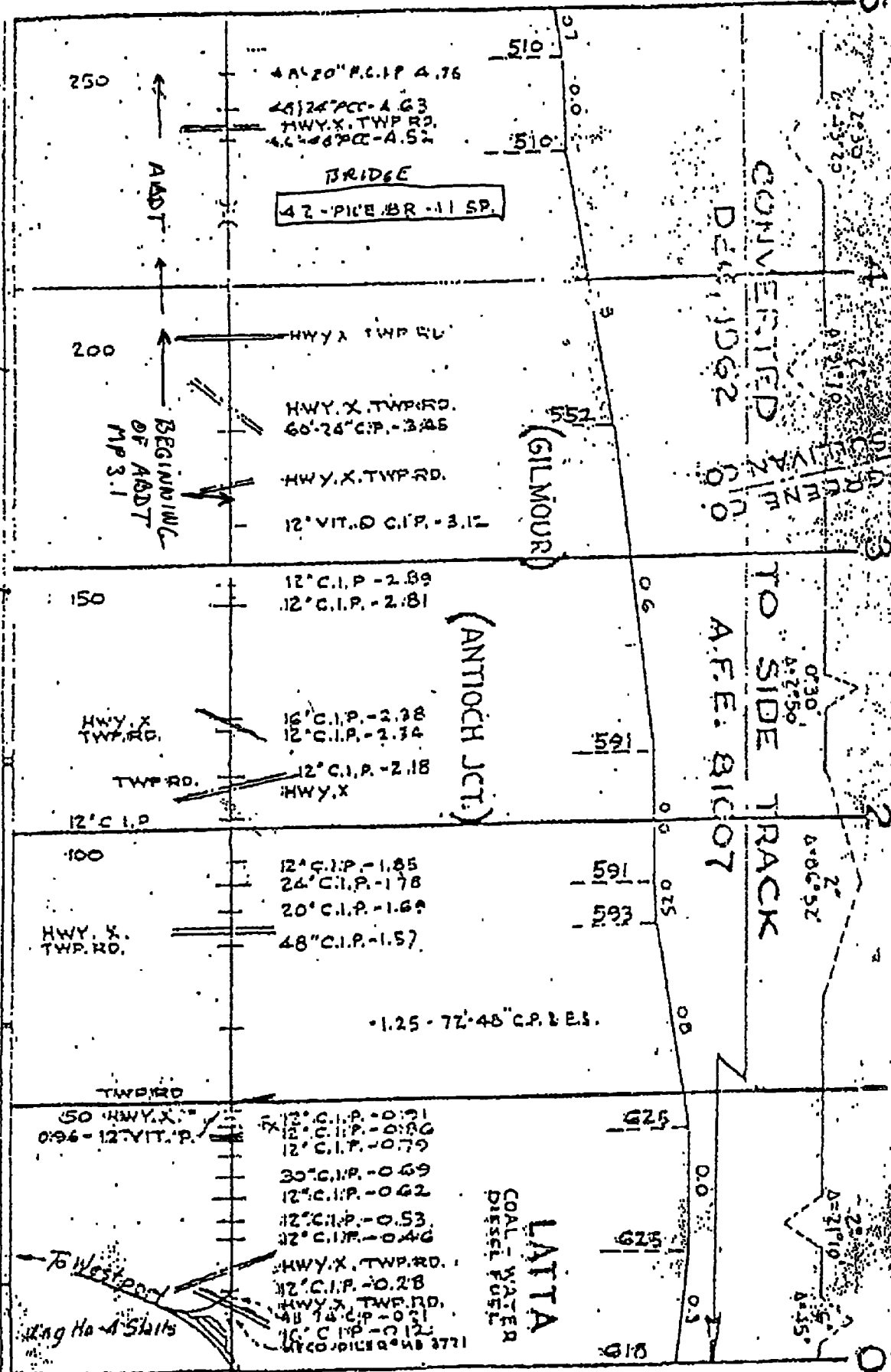
← N

→ W

159

BRANCH LINE - LATTA TO SULLIVAN

KINDAC LEAD



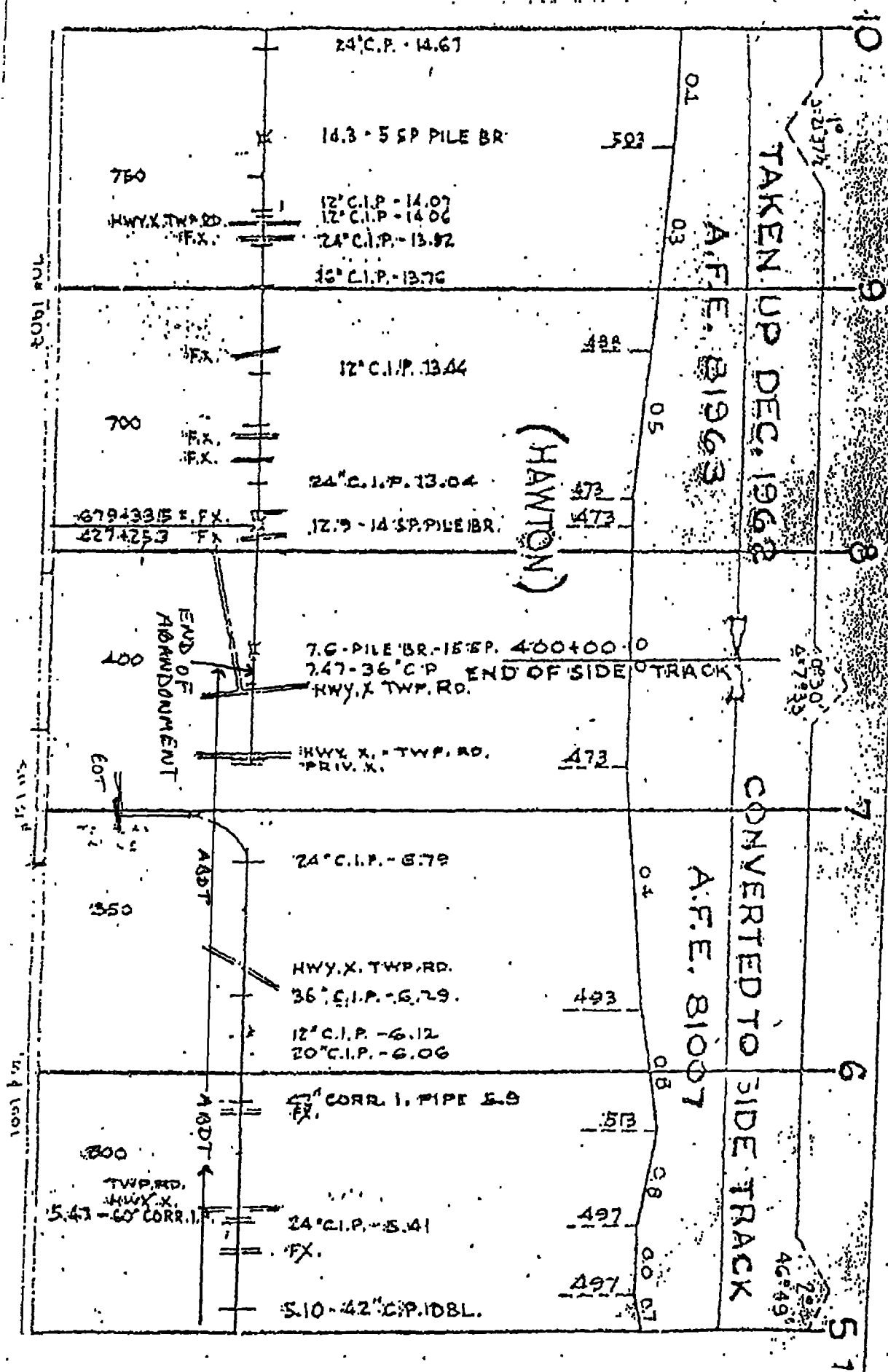
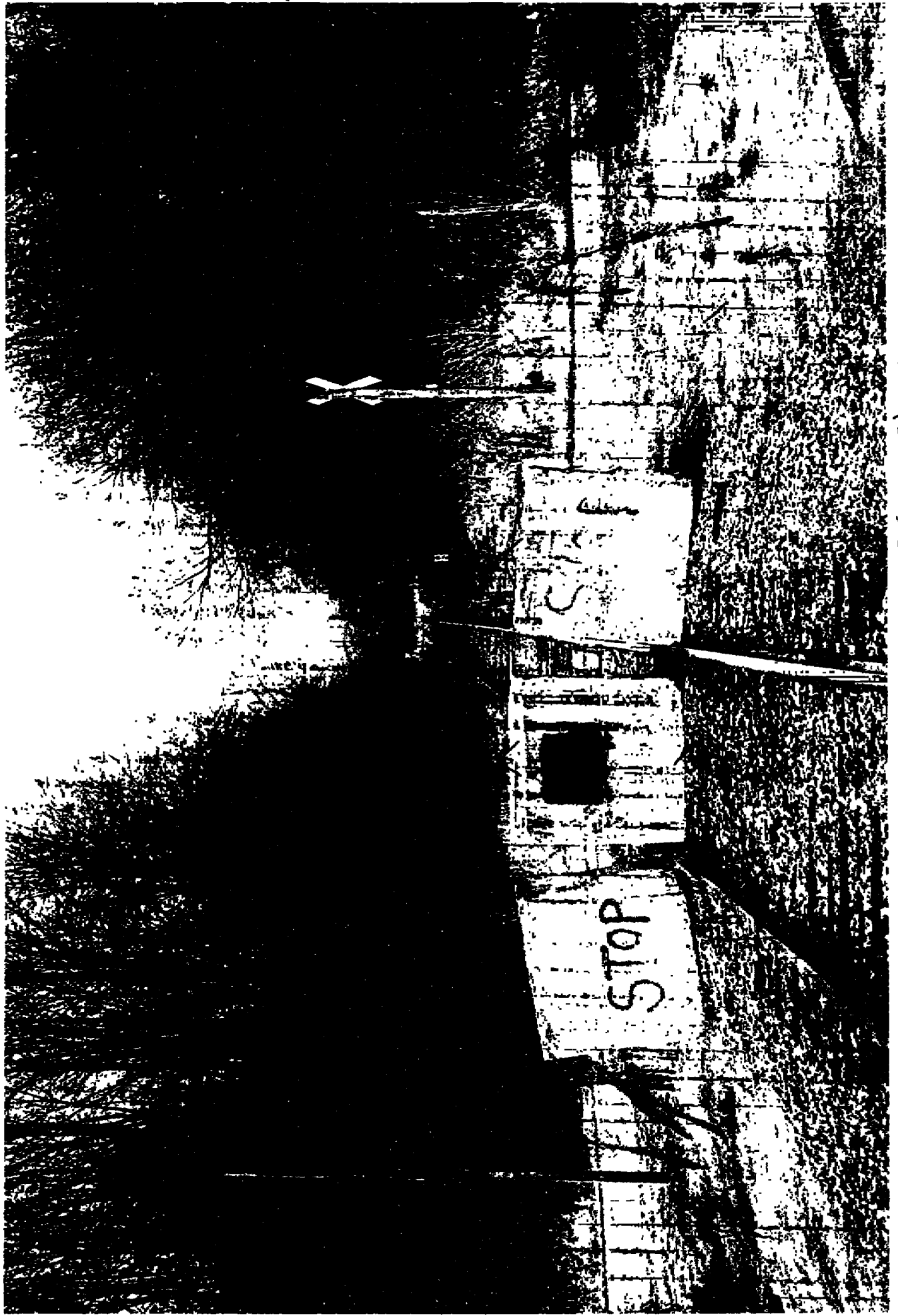


Exhibit D



BEGINNING OF ABST (EAST END) MP 3.10

**VEHICLE BLOCKING
THER EMERGENCY**

O-677-1985

LOCATED AT

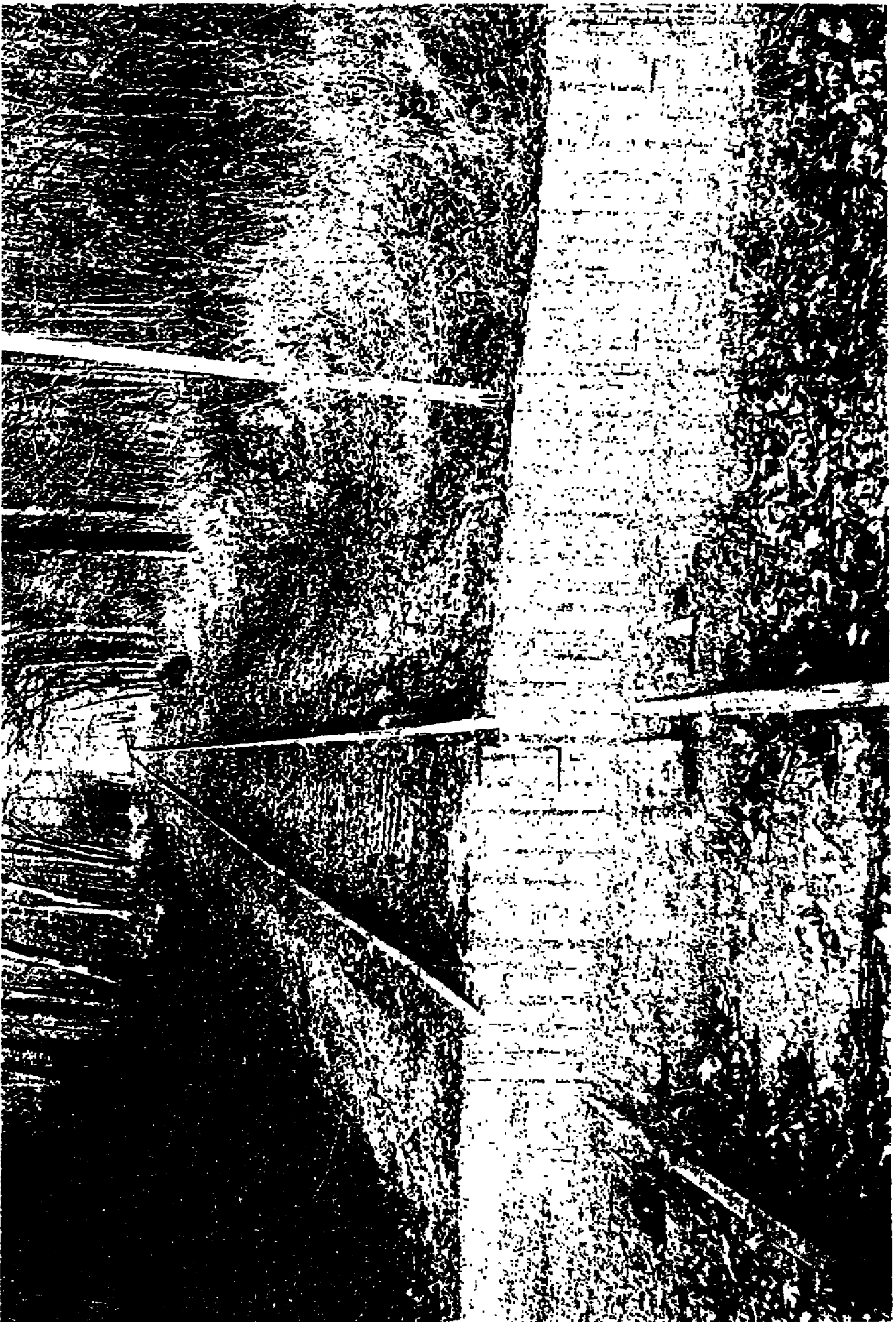
003.100

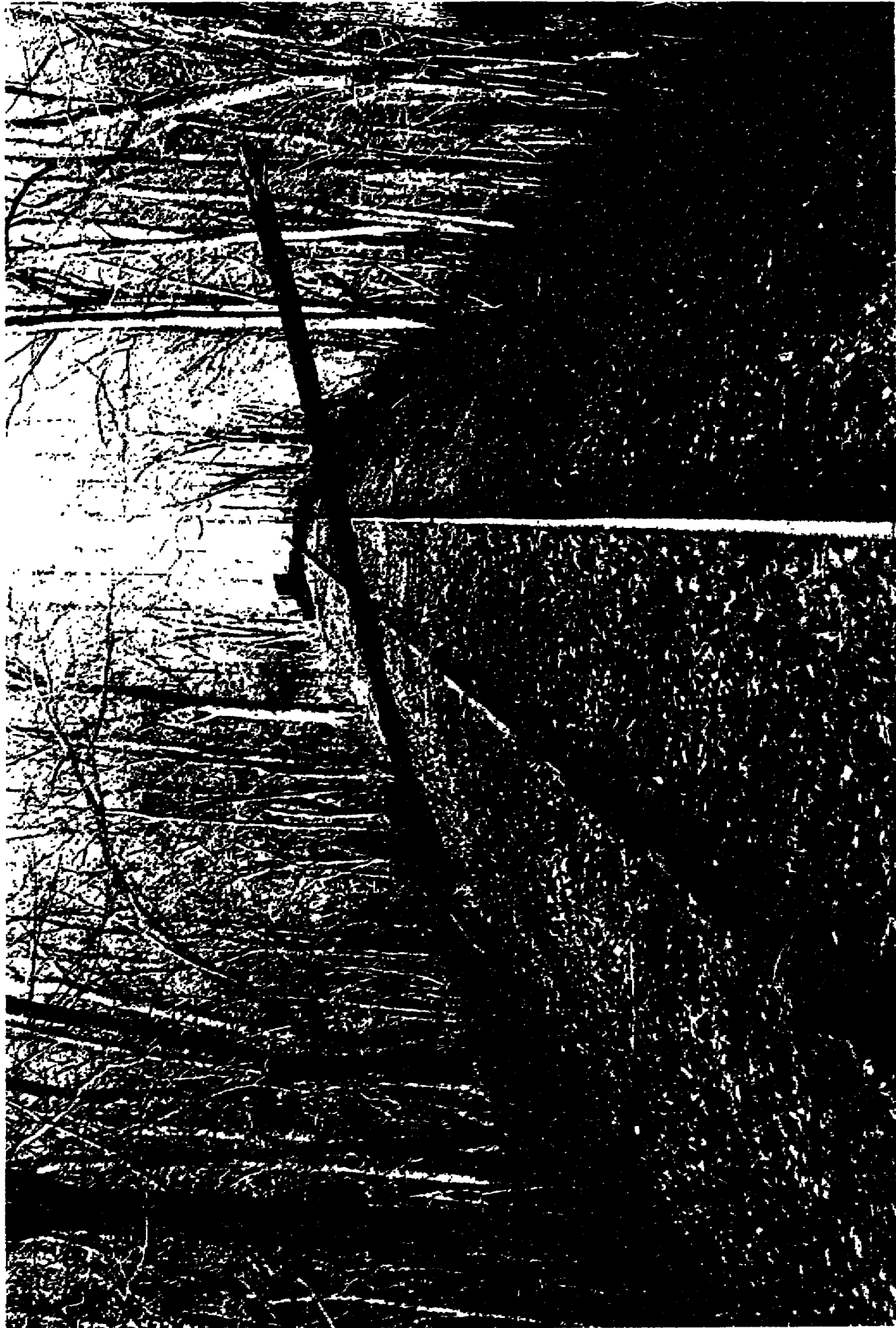
MILE POST



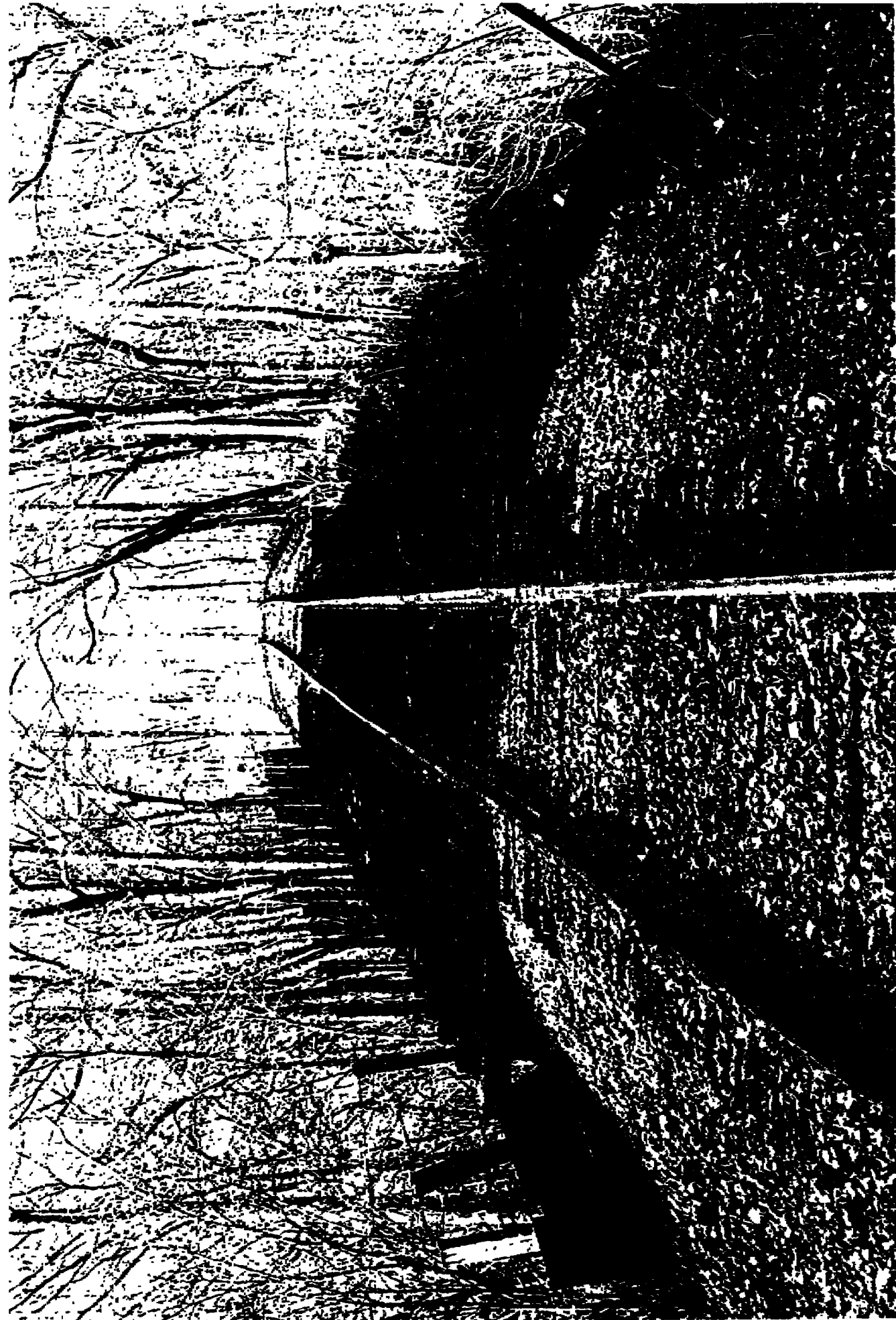








BRIDGE AT MP 4.24



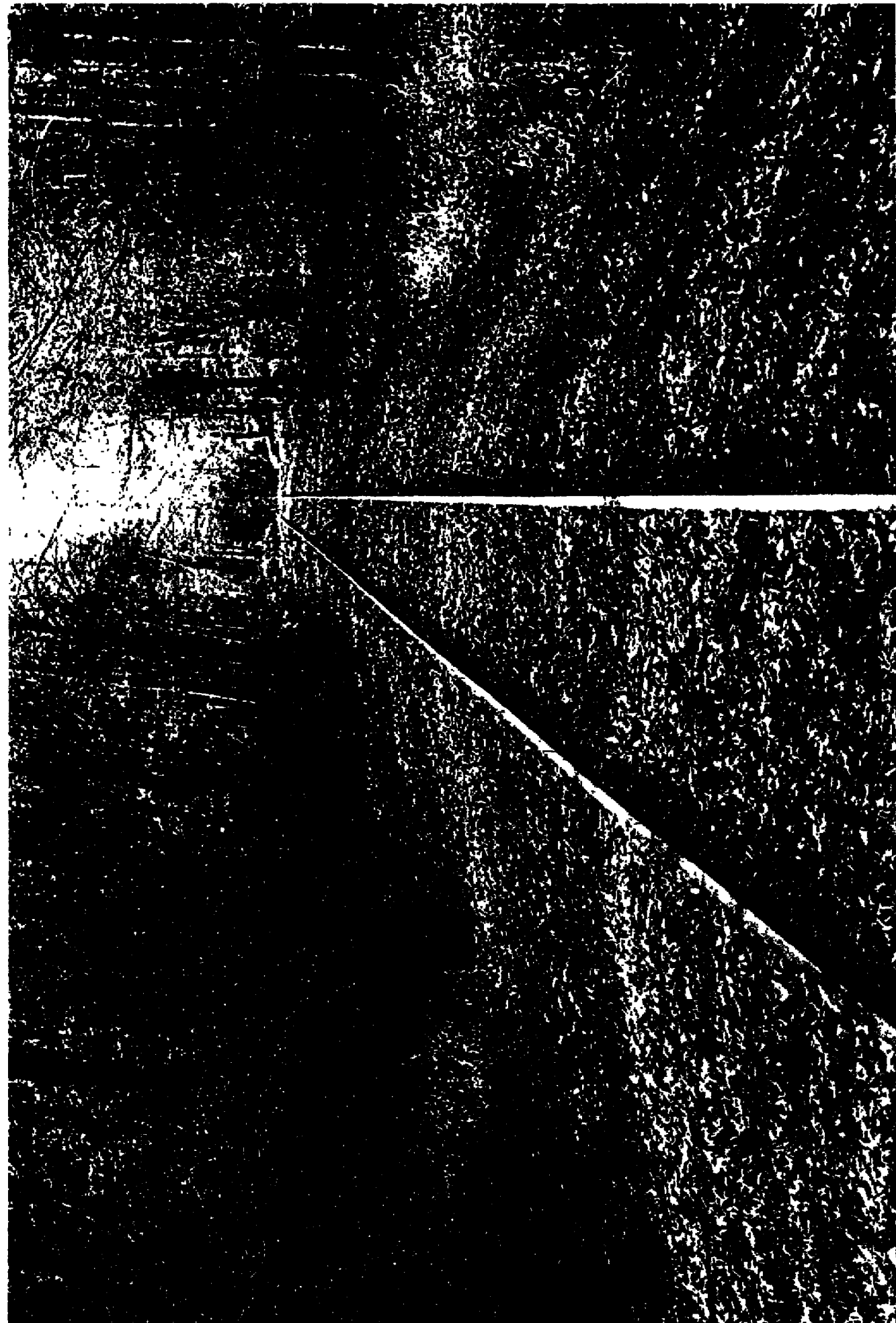
BRIDGE AT MP 4-24



PHOTO #9 OMITTED

(10)

2





MILEPOST NO. 6

(12) 2







MILEPOST N. 6





DIRECT CONNECTION TO MINNEHAHA SPORT TRACK
MILEPOST 6.79

(18) 3



Former right of way
facing west

(19) S

VIEW WEST ALONG RIGHT-OF-WAY
MILEPOST 7.2 (APPROX)

